

**REMARKS**

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, the specification and claim 14 have been amended to correct minor typographical errors, and claims 1-21 remain pending.

In the Office Action mailed January 23, 2002, the examiner indicated that the oath/declaration is defective because the inventor did not sign the statement. Furthermore, the examiner also rejected claims 8, 9, 20, and 21 under 35 U.S.C. 112, second paragraph, for failure to state in specific detail what the invention is; claims 1-7, 18, and 19 under 35 U.S.C. 102(e) as being anticipated by DeFrancesco et al. (U.S. Pat. No. 5,878,403); claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. in view of Keen et al. (U.S. Pat. No. 5,774,882); claim 13 under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco; and claims 10 and 14-17 under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. in view of Buchanan et al. (U.S. Pat. No. 5,950,179).

**Defective oath/declaration**

An executed declaration was submitted to the PTO on April 12, 2000. A copy of the submitted executed declaration along with a copy of the stamped postcard are attached herewith as proof of the submission. Therefore, it is respectfully submitted that the declaration of record is not defective.

**Rejection of claims 8, 9, 20, and 21 under 35 U.S.C. 112, second paragraph**

The PTO rejected claims 8, 9, 20, and 21 for "failure to state by the applicant in specific detail what the invention is". MPEP 2173.02 provides the following guidelines for examination under 35 U.S.C. 112, second paragraph:

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the

threshold requirements of clarity and precision, *not whether more suitable language or modes of expression are available*. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. *Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire*. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, *but should not reject claims or insists on their own preferences if other modes of expression selected by the applicant satisfy statutory requirement*. (Emphasis added).

Additionally, MPEP 2173.04 states,

*Breadth of a claim is not to be equated with indefiniteness.* *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph. (Emphasis added).

It is respectfully submitted that the language of claims 8, 9, 20, and 21 clearly and distinctly set out the claimed invention, and it meets the threshold requirements of clarity and precision. Accordingly, while the claim language may not be as precise or the breadth of the claimed invention may not be as narrow as the examiner might desire, the examiner should not reject the claims. Hence, it is respectfully requested that the examiner withdraw the rejection of claims 8, 9, 20, and 21 under 25 U.S.C. 112, second paragraph. If the examiner believes that the claims remain unclear or indefinite, the examiner is requested to point out with particularity the terms, words, and/or phrases that give rise to the indefiniteness or lack of clarity.

**Rejection of claims 1-7, 18, and 19 under 35 U.S.C. 102(e) as being anticipated by**

**DeFrancesco et al.**

The rejection of claims 1-7, 18, and 19 are traversed for at least the following reasons:

Per claims 1 and 18, the examiner asserts that DeFrancesco et al. provide a baseline offer for a first account-based service in the Abstract. However, the Abstract merely describes a system for “selectively receiving credit application data from respective applications... and

selectively forwarding funding decision data from the funding sources to the respective applicants... and for forwarding a received funding decision to the at least one remote application input and display device.” Thus, the funding decision data and funding decision are not specifically referring to “providing a *baseline offer*” as claimed. Likewise, DeFrancesco et al. do not show receiving a first preference indicator signal in Fig. 1B, blocks 148, 149, 150, 152, as asserted by the examiner. Indeed, the cited blocks and accompanying text in DeFrancesco et al. describe a process whereby a credit application is forwarded to numerous funding sources for credit approval. There is no preference indicator signal but merely: 1) a decision made in block 150 as to whether the credit is approved or rejected; and 2) a decision made in block 153 as to whether the credit application should be sent to additional funding sources because the initial funding source declines or places unacceptable conditions on the credit approval. Thus, at this juncture, there is not even a baseline offer to be adjusted based on a first preference indicator signal as claimed.

Per claim 18, DeFrancesco et al. also fail to disclose providing a list of available features as claimed.

Per claims 2 and 19, as stated above, the decision made in block 153 as to whether the credit application should be sent to additional funding sources cannot be a preference indicator signal, much less a second preference indicator signal as claimed. Thus, it cannot be used to adjust the first modified offer so as to form a second modified offer as claimed. This is because the decision block 153 does not modify any offer and merely refers the credit application back to select other funding sources for *other* approval offers.

Per claims 3-5 and 7, the examiner cites various sections of DeFrancesco et al. against the claimed features of providing a list of available preference indicator choices along with providing the baseline offer. However, the cited sections describe different features, so they cannot be deemed to refer to the same features as claimed. Specifically, col. 22, lines 39-41 describes the flexibility in funding source selection, and routing (there is no mentioning of providing preference indicator choices as claimed); col. 23, lines 48-50 indicates that at block 152 of Fig. 1B, the dealer can review a display of the status of the credit application, e.g., granted, granted with conditions, or declined and reasons why declined (thus, there are *numerous offers*, not

available preference indicator choices provided along with a single baseline offer as claimed, that the dealer can review); and col. 24, lines 1-5 indicates that at block 153 of Fig. 1B, a decision is made whether the credit application should be sent to additional funding sources (again, there is no mentioning of providing preference indicator choices).

Accordingly, it is respectfully submitted that claims 1-7, 18, 19, and any claims dependent thereon are allowable over the references of record.

**Rejection of claims 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. in view of Keen et al.**

Claims 11 and 12 are allowable for at least the reasons stated above with regard to the allowability of claims 1-7, 18, and 19. Furthermore, with regard to claim 12, neither DeFrancesco et al. nor Keen et al. disclose that the account based services relate to an insurance account. Therefore, there is no basis for the examiner to state the motivation to combine the two references is “as enunciated by Keen [et al.]” when such alleged motivation is at best directed to account based services relating to a credit card account and not to an insurance account.

**Rejection of claims 13 under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al.**

Claim 13 is allowable for at least the reasons stated above with regard to the allowability of claims 1-7, 18, and 19.

**Rejection of claims 10 and 14-17 under 35 U.S.C. 103(a) as being unpatentable over DeFrancesco et al. in view of Buchanan et al.**

Claim 10 is allowable for at least the reasons stated above with regard to the allowability of claims 1-7, 18, and 19.

Per claim 14, it is unclear from the rejection what the examiner deems to be the disclosure from DeFrancesco et al. and how the features of Buchanan et al. can be combined with those of DeFrancesco et al. to reject the claimed invention. Furthermore, it is respectfully submitted that the examiner's cited element 84 in Fig. 2 denotes a credit card account processor and not an account services building module for receiving preference indicator signals indicative of features associated with an account based service as claimed.

#### Other cited references

The PTO merely cites other references on the record without providing any detailed rejection of the pending claims based on such references, and the undersigned's review of such references indicates that they do not read on the pending claims.

#### Conclusion

For at least all of the above reasons, it is respectfully submitted that the present invention is neither disclosed nor suggested by the references of record, and the claims now pending patentably distinguish the present invention from the references of record. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Attached hereto is a marked-up version of the changes made to the disclosure by the current amendment. The attached page is captioned "Version with markings to show changes made."

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned at the number listed below.

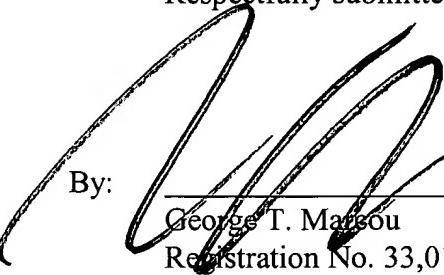
Date:

4/23/02

KILPATRICK STOCKTON LLP  
607 14<sup>th</sup> Street, N.W.  
Suite 900  
Washington, DC 20005  
(202) 508-5800

Respectfully submitted,

By:

  
George T. Marou  
Registration No. 33,014

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

The paragraph on lines 16-18 of page 1 has been amended as followed:

Many people purchase account-based services over the phone or through paper applications they fill out and return to the account service provider. Account-based services such as insurance, communications and investment portfolios are typically purchased in this manner.

**IN THE CLAIMS:**

Claim 14 has been amended as followed:

14. (Amended) A computer system comprising a first computer wherein the first computer comprises:

a firewall module for determining security parameters;

an applicant module for collecting data;

a checker module for determining worthiness parameters; and

[and] an account services building module for receiving [for] preference indicator signals indicative of features associated with an [account based] account-based service.